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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,983	09/26/2005	Jan Kassibrahim	36517	1672

23589 7590 12/06/2007
HOVEY WILLIAMS LLP
2405 GRAND BLVD., SUITE 400
KANSAS CITY, MO 64108

EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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3643

MAIL DATE	DELIVERY MODE
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12/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,983

Applicant(s)

KASSIBRAHIM, JAN

Examiner

David J. Parsley

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Preliminary Amendment

1. Entry of applicant's preliminary amendment dated 9-26-05 into the application file is acknowledged.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. Claim 19 is objected to because of the following informalities: there is no claim 19 as filed in the preliminary amendment dated 9-26-05. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 11, 13-17 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by

U.S. Patent No. 2,429,983 to Bender et al.

Referring to claims 1 and 13, Bender et al. discloses a set comprising four teatcup liners for a milking member including a claw – at 2, and four teatcups – at 1, to be attached to a respective teat of an animal to be milked - see figure 1, each teatcup portion having a liner portion adapted to be comprised in one of the teatcups and a conduit portion – at 3,5 and 3,5', adapted to extend between respective teatcup and claw - see figure 1, wherein the conduit portion of each teatcup liner has at least one property influencing the operation of the teatcup liner during milking, wherein the property of the conduit portion of a first pair of the four teatcup liners - at the rear teatcups, differs in a predetermined manner from the property of a second pair of the four teatcup liners – at the front teatcups, and that the property is the length of the conduit portion, the flexibility of the conduit portion and the straightness of the conduit portion or combinations thereof - see figure 1.

Referring to claims 2 and 14, Bender et al. discloses the teats of the animal include rear teats and forward teats – see figure 1, and wherein the first pair of the teatcup liners is adapted to be attached to the rear teats of the animal and the second pair of the teatcup liners is adapted to be attached to the forward teats of the animal - see figure 1.

Referring to claims 3 and 15, Bender et al. discloses the property includes the length of the conduit portion – see at 3,5,5', in figure 1, and wherein the length of the first pair differs from the length of the second pair by a predetermined distance – see at 3 in figure 1.

Referring to claims 4 and 16, Bender et al. discloses the teats of the animal include rear teats and forward teats, and wherein the predetermined distance corresponds to the length difference between the rear teats and the forward teats of the animal - see at 1,3,5,5', in figure 1.

Referring to claims 5 and 17, Bender et al. discloses the length of the first pair is shorter than the length of the second pair - see at 3,5,5', in figure 1.

Referring to claims 11 and 23, Bender et al. discloses the teatcup liner is one piece - see figure 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10, 18 and 20-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bender et al. as applied to claims 1 or 13 above, and further in view of U.S. Patent No. 3,99,516 to Shulick.

Referring to claims 6 and 18, Bender et al. does not disclose the property includes flexibility of the conduit portion, wherein the flexibility of the first pair differs from the flexibility of the second pair by a predetermined value. Shulick does disclose the property includes flexibility of the conduit portion - at 14a, wherein the flexibility of the first pair differs from the flexibility of the second pair by a predetermined value - see figure 1 where the conduits

14a connected to the rear teats are longer and therefore more flexible in that they can be flexed into more configurations than the other conduits 14a connected to the front teats. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Bender et al. and add the differing flexibilities of the conduits of Shulick, so as to allow for the device to be fitted to animals of differing sizes and configurations.

Referring to claim 7, Bender et al. as modified by Shulick further discloses the flexibility of one pair is higher than the flexibility of the other pair - see at 14a in figure 1 of Shulick. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Bender et al. as modified by Shulick and add the differing flexibilities of the conduits of Shulick, so as to allow for the device to be fitted to animals of differing sizes and configurations.

Referring to claims 8 and 20, Bender et al. does not disclose the property includes the straightness of the conduit portion, wherein the straightness of the first pair differs from the straightness of the second pair by a predetermined value. Shulick does disclose the property includes the straightness of the conduit portion - at 14a, wherein the straightness of the first pair differs from the straightness of the second pair by a predetermined value - see figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Bender et al. and add the property being straightness of Shulick, so as to allow for the device to be fitted to animals of differing sizes and configurations.

Referring to claims 9 and 21, Bender et al. as modified by Shulick further discloses the straightness of the second pair is higher than the straightness of the first pair - see figure 1 of Shulick. Therefore it would have been obvious to one of ordinary skill in the art to take the

device of Bender et al. and add the property being straightness of Shulick, so as to allow for the device to be fitted to animals of differing sizes and configurations.

Referring to claims 10 and 22, Bender et al. does not disclose each conduit portion of the first pair of teatcup liners has a slightly S-like curvature in such a way that the distance between the conduit portions at the upper end in the proximity of the teatcup is shorter than at the low end in the proximity of the claw. Shulick does disclose each conduit portion of the first pair of teatcup liners – at 14a, has a slightly S-like curvature in such a way that the distance between the conduit portions at the upper end in the proximity of the teatcup is shorter than at the low end in the proximity of the claw – see at 14a in figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Bender et al. and add the S-like conduit of Shulick, so as to allow for the device to be fitted to animals of differing sizes and configurations.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bender et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,131,542 to Stenstrom.

Referring to claim 12, Bender et al. does not disclose the set includes a member for keeping the teatcup liners together prior to the mounting of the liners in the milking member. Stenstrom does disclose the set includes a member – at 1,2,3, for keeping the teatcup liners together prior to the mounting of the liners in the milking member – see figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Bender et al. and add the keeping of the teatcups together of Stenstrom, so as to allow for the teatcups to be easily stored and transported.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to milking teatcup assemblies in general:

U.S. Pat. No. 678,231 to Bechtolsheim – shows teatcups with liner and conduits

U.S. Pat. No. 3,818,866 to Thomas - shows teatcups with liner and conduits

U.S. Pat. No. 6,006,695 to Gustafsson – shows claw member with conduits

U.S. Pat. No. 6,742,475 to McLeod et al. – shows teatcups with liner and conduits

U.S. Pat. No. 6,895,890 to Maier – shows teatcups with liner and conduits

EP Pat. No. 0347954 - shows teatcups with liner and conduits


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DAVID PARSLEY
PRIMARY EXAMINER